

Exhibit E: Third Party Payor Class Definition

Third-Party Payer (“TPP”) Classes
Breach of Express Warranties Subclasses

- a. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, Arizona, California, Colorado, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, New Jersey, New Mexico, Oklahoma, Pennsylvania, Puerto Rico, South Dakota, Virginia, Washington, or West Virginia, for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants’ assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers (“PBMs”); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants’ valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- b. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, Arkansas, Florida, Georgia, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Texas, Utah, Vermont, Wisconsin, or Wyoming for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants’ assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants’ valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- c. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Connecticut, Kentucky, or North Dakota for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants’ assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants’ valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- d. A breach of express warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Tennessee for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Breach of Implied Warranties of Merchantability and Fitness Subclasses

- a. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, California, Colorado, Delaware, District of Columbia, Hawaii, Indiana, Maine, Massachusetts, New Jersey, New Mexico, Oklahoma, Puerto Rico, Rhode Island, South Dakota, Virginia, or West Virginia for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- b. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Arkansas, Georgia, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, South Carolina, Texas, or Wyoming for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- c. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Arizona, Connecticut, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky, North Carolina, or Washington for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- d. A breach of implied warranty subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, New York, Ohio, Oregon, Tennessee, Utah, or Vermont for a valsartan-containing drug (intended for personal or household use) that was manufactured by any

Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Fraud Class

- a. A fraud class of all TPPs, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in California, Connecticut, Delaware, Georgia, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Nebraska, New Hampshire, New Mexico, Pennsylvania, South Carolina, Tennessee, Texas, Utah, West Virginia, or Wisconsin for a valsartan- containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- b. A fraud class of all TPPs, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, Arizona, Hawaii, Illinois, Mississippi, Missouri, Montana, Nevada, or Oregon for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- c. A fraud class of all TPPs, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, Arkansas, Colorado, District of Columbia, Florida, Idaho, Iowa, Louisiana, Massachusetts, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, Washington, Wyoming, or Puerto Rico for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Violation of State Consumer Protection Laws Subclasses

- a. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, Arizona, California, Connecticut, Florida, Hawaii, Idaho, Louisiana, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, or Washington that for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- b. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Delaware or Minnesota for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- c. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Maine, Massachusetts, or Texas for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- d. A violation of state consumer protection laws subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Colorado, Illinois, Kentucky, New Mexico, South Dakota, or Virginia for a valsartan-containing drug that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or

counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

Unjust Enrichment Subclasses¹

- a. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alabama, Connecticut, or Montana for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) Pharmacy Benefit Managers ("PBMs"); (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- b. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Texas for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- c. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Alaska, , Idaho, Nebraska, New Jersey, North Dakota, Pennsylvania, Virginia, or Washington for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- d. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in Arizona, Arkansas, Maryland, Minnesota, Rhode Island, Vermont, or Wyoming for a valsartan-

¹ For the Unjust Enrichment claims, the Order appears to make revisions to subclasses as defined by the consumer plaintiffs, and not the TPP plaintiffs. To account for that, we applied the revisions that the Court made to the consumer subclasses to the TPP subclasses. *See* D.E. 1747-1 at 61-64 for Consumer Subclasses.

containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.

- e. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in District of Columbia, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Nevada, New Mexico, New York, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, or Puerto Rico for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.
- f. An unjust enrichment subclass of all TPPs that, from at least January 1, 2012 through the date of final recall as of November 10, 2021, paid any amount of money in California, Colorado, Delaware, Florida, Indiana or Ohio for a valsartan-containing drug (intended for personal or household use) that was manufactured by any Active Pharmaceutical Ingredient or Finished Dose Manufacturer Defendant and was distributed or sold by any Wholesaler Defendant. Excluded from the Class are the following: (i) TPP Defendants and affiliated entities; (ii) TPP Defendants' assigns, and successors; (iii) All federal and state governmental entities except for cities, towns, municipalities, or counties with self-funded prescription drug plans; (iv) PBMs; (v) TPPs whose only valsartan-containing drug purchases, who would otherwise meet this Class Definition, were for Hetero Defendants' valsartan-containing drugs dispensed prior to May 1, 2018; and (vi) All TPPs who properly execute and file a timely request for exclusion.